GENERAL AND REVENUE SECRETARIAT.

1908
(Chengai)

File No. 654 — 08

Serial Nos. 1 to 13

Papers Filed.

Month January 1911

SUBJECT.

Appeal of Abdul Rasool & others of Arkalgud re the demolition of the gate the Masjid.

PREVIOUS REFERENCES.	LATER REFERENCES.
Local Bdo File 120-92	dR 274-14 (1-4) 610-17 & 19

G.R.S. 11] 190 9.

GENERAL AND REVENUE SECRETARIAT.

(Nagpur)

NOTES.

File No. 654/06

FILE HEADING.

Appeal from Abdul Rasool and 6 other mahomedan residents of Arkalgud against the Dy Commr's order directing the demolition of the gate & the approach buildings of the masjid at the place

From

Abdul Rasool and others

No.	Dated	Received
Diary No. 1861/296	Enclos.	Spare Copies	Serial No. 445

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

1. Under Secretary's order. "Put up Note and call for records

Submitted with ofs

14/8/09

Issue 16/8/09

14/8/09

NOTES—First sheet

GPB—30,000—3-1-07

S. 12]
General and Revenue Secretariat.

Mus File No. 654 of 1908

Serial No.

To The Deputy Comm^r, Hassan Dt.

No. 475 dated 16th August 1909

2. Forwards the petition for submission of the entire records connected with the case together with a detailed report thereon

To Abdul Rasool & others of Arakalgud

End^t No 476 dated 16th August 1909.

3 Intimates to the above effect

From The Deputy Comm^r, Hassan Dt

No 409 dated 15th Feb^y 1910

4. Submits the records of the case ~~together with a detailed report thereon~~

5. With the above communication, the Dy Comm^r submits a detailed memo going fully into the previous history of the case From it it is observed that the masjid at Arakalgud had its entrance originally on its eastern side This was closed some 20 years ago and a Hindustani school was built on that side. In Nov^r 1901, the Mohomedans of Arakalgud unauthorisedly encroached upon Govt land to the north of the masjid and built 2 shops thereon, and further clandestinely constructed a new high arch gateway on the same side (north) in the face of the Dy Commissioner's order prohibiting them from opening such a gateway. The Hindu residents apprehending obstruction

NOTE.—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

to their processions passing with music in front of the new gateway having complained, the Amildar and the Assistant Commissioner (Mr. B. Ramaswamy) inspected the building and reported that the raising of the 2 shops on Govt land and the construction of the gateway were unauthorized, and the latter Offr recommended to the Dy Commr that the shops ~~may be~~ might be allowed to stand on payment of a fine of Rs 50/- and the value of the land unauthorizedly built upon, and that in the case of the new gateway, the Mohamedans should be asked to execute a mutchalika binding themselves not to object to any Hindu processions passing with music in front of it, and that in the new gateway, should be closed and the event of their declining to do so, they should be allowed to have access to the masjid ~~through~~ from the eastern ~~gate~~ side alone. The Deputy Commr concurred in the above view, but the Mohomedans having refused to execute the mutchalika unless the Hindus also executed a counter mutchalika not to unduly prolong their procession before the masjid, an Endorsement was given to the Mohomedans by the Dy Commr ~~accordingly~~, that the gate ~~may~~ would be ~~closed~~ demolished. It is against this order that the Mohomedans have appealed to Govt

6 It is also brought to notice in the memo that the Mohomedans attempted in 1872 to erect a new compound

NOTE.—Contn. sheet.

Serial No.

wall to the north of the masjid but the attempt failed and that they obstructed in 1886 the procession of the Hindus in front of the masjid but that the same was removed with the aid of the Reserve Police sent by the then Dy Commr (Mr. T. Ananda Rao)

The several papers referred to in the memo are flagged.

Subd with a draft proposal for other orders.

VJ 15/8/10 The draft proposal appears to me to be sound, before forming an opinion as to the case, it is better to see several orders about Masjids - both as to Chitaldroog, Nagamangala &c -

97
18/3/1910

-Subd

The following printed Govt Orders relating to the opening of new gateways to masjids are submitted :-

(1) No. 914 dated 6.6.1893 re Chennapatna masjid
(2) No. 299 dated 25.8.1896 re Chitaldrug masjid.
(3) No. 753 dated 22.12.1897 re Solur masjid (Magadi Tk)
(4) No. 4511-9 dated 1.6.1905 re Nagamangala masjid.

The earliest order passed on the subject and the one which forms the basis of the aforesaid orders is that ~~of 1877~~ issued by the Chief Commissioner,

NOTE.—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

in 1871, an extract of which is quoted in the first of the four printed Govt Orders now put up.

From these Govt Orders, it may be observed that permission may be granted to the opening of a new gate way to a masjid provided (1) the gateway faces a lane and not a main street, (2) the mohomedans resorting to the masjid bind themselves not to object to or obstruct processions of other religionists passing with music in front of the gateway, and (3) that a substantial stone is put up in the masjid wall facing the main street with the inscription of the other two above-named conditions and of the date of the construction of the gateway

Subd. 6/8/10 There are two matters to be dealt with in this case. They are (1) the encroachment on Govt land

(2). the opening of a new gate-way towards the main street.

The Muzrai Branch can have no-thing to do with No. 1.

We have only perhaps, said regards No 2 also; but as the printed orders pro-

NOTE—Contn sheet

GPB—50,000—27-4-09

S. 12]
General and Revenue Secretariat.

Mus File No. 654 of 1908

Serial No.

I do not know if similar cases have been dealt with by this Magistrate Branch

In this present case the Dy Comr has seen to have said that if the Mussalmans do not execute a Muchalka he will evict them from the site encroached upon and upon which shops have been built In the event of this executing a Muchalka the Dy Comr would allow them to continue ~~the encroachment~~ keeping the sites & their on payment of ~~a fine and~~ the fixed and some fine.

Thus the two questions have been mixed together.

~~Submitted~~

It may perhaps be desirable to hear the parties before passing any order.

3137
22.3.10

Submitted to Hon'ble Commissioner Ahmedabad

18/3/1910

I cannot find the petition of the ~~Mussalmans~~ Petitioners in the file.

NOTE—Contn. sheet

GPB—50,000—27-4-09

Revenue Secretariat.

Mrs File No. 654 of 1908

Serial No.	
	The Case is one more for the Rev than the Mur ray Department. The Dy C= 15 decision was that the pet= had encroached & were lia- ble to eviction ~~Who~~ Was the appeal from that order filed within the time al- lowed?
H	
	Subd 11/4/10 H M Ry
	A draft calling for the Appeal Petns is subd
	Dy 25/4/10 Issue 27/4/1910
9	To, The Dy Commr Hassan Distt Docket no 2579 Dy 27 4 1910 Calls for the appeal petitions of Abdul Rasool and others
10	From the Dy Commr, Hassan Dist Letter no 499 Dy 4 5-1910. Re- submits the appeal- petitions called for in Sl. 9
	Submitted
	Ans 6-5-10 The Entire file no Mrs 654 of 08 is trans- ferred to Br I for needful. A Subbarao Under Secretary Mrs Branch By

NOIL—Contn sheet

GPB—5,000—27-4-09

6/5/10

12]
and Revenue
Secretariat.

652/12

File No. 654 of 1908

Serial No.

The appeal petitions are flagged W. and X. They are dated 30 7 1909 and 24-6 1909 respectively Another petition appears to have been presented by the appellants on the 7th may 1909 which seems to have been returned for production of the order appealed against.

(30)

The Deputy Comrs order is 19 9 1907 So the appellants appeal appears to be time barred, having been preferred one year and seven months after the date of the Original order

Subd

WS 18.5 1909 RK 18/5/10

It will be seen from the copy of a letter sent to the Dy Comm that an appeal was made to the Commr on the 16th Oct 1907. Nothing was then heard of it

B 19/5/10.

Subd with draft

25/5/10

Jmw 25/5/10.

NOTE.—Contn. sheet.

GPB—55,000—27-4-09

Revenue

re at.

File No. 6 84 .of 1908

Serial No.

To The Rev. Com^r in mysore W.P. 7991 & 30/5/1910

Enquires whether The petitioners ~~had~~ petitioned The Revenue Com^r on 14 11 1907 appealing against The Dy Com^rs order and if so what action was taken on it.

From The Same Officer W.P. ~~7994 & 30/5/10~~ ~~7991~~ 494 of The 16th July 1910

States That a petition was received in Camp but That there is no reference in The office to shew how it was disposed of and surmises That it might have been returned to party as The Subject matter related to a municipality.

Branch IV was requested to State whether a Similar petition was received and dealt with there: but They have Replied That no petition was received relating to The Subject matter under disposal.

Sub^d.

10.9.1910

556. 11/8/10 11/8/10 On both the points (encroachment and the fate) the Dy C^r's order seemst be correct. The appeal moreover is beyond time I do not see any necessity to hear the pet^rs, but to prevent

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

further petitions, they may be asked to appear before me.

The final order will be passed with the Concurrence of the Dewan

The petitioners seem to have gone up before the Rev Ch but it is not known in what manner their petition was disposed of.

30/9/10

~~To Branch I~~

~~which Papers~~ is liked with Revn papers – Branch I & Br III!

Photographed on Roll.

To Branch I.

1/10/1910

To Branch VII

6/10/10

6/10/10

Submitted to the Under Secy as to whether this case may also be reported for the 25th Nov 10. There are ~~about~~ 5 cases for hearing on that date.

6/10/10

Perh. Jangaon case also to be heard on day. I may know until by which date final Statement required to be sent.

7/10/1910

7/10/1910

Done
7/10/1910

Contn. sheet.

GPB–55,000–2/1910

12]
and Revenue
Secretariat.

File No. 64 of 1908

Serial No.

The Municipality being dissatisfied are not under the Regn, I believe the question of encroachment has to be decided by the Rev. Commr. If this is an encroachment, the Petrs cannot possibly object to the removal of the gate. The Petn is therefore dismissed. If the Petrs succeed in getting the order set aside concerning encroachment, they may apply to Govt to take the other order about the gate into consideration. Otherwise, they can get the relief, and the Dy Cr with enforce his order in the manner the Commr prefer.

NOTE—Contn. sheet

0,000—12 8 10

11/10

162

File No. 654 of 1908

Serial No.

Ext. mis. 128

To Branch IV for observation

A warrantie Note of Br: I (Flap O) may also with advantage be perused.

Abdurrahman
26.11.1910

It is submitted that the only law applicable to non-Regulation municipalities is the Village Sanitation Regulation and the Rules framed thereunder under ~~both of which~~ men, the Dy. Commr exercises general control over all such municipalities in sanitary matters. But ~~In these Rules~~ no provision exists in them as regards encroachments on municipal lands, ~~and~~ all such cases being governed by Govt. Progs: No. 3593-60 dated 13.8.88.

Further, Govt. have not delegated to the municipal Boards any power to enquire into cases of encroachment and such power is exercised by the Dy Commr under the provisions of the Land Revenue Code. The question of encroachment has therefore to be enquired into by the ~~Dy.~~ Revr. Commr and not by Govt.

Submitted

[illegible] 19/12/10

The question of encroachment upon Govt land in a municipality not brought under the Regulation of 1906 is one for decision in the Revr Deptt on the authority of the G.O dated 13th Aug 1888

(P [illegible] 14/12/10

1st Cr) 12-12-10 [illegible]

GPB—50,000—12-5-10

NOTE — Contn. sheet.

] and Revenue Secretariat. | File No. 684 of 1908

162

Serial No.

Submitted with a draft
BC(132) 84
17.12.10

361 Draft with the opinion of Br. IV Exhibited to Board Committee

No doubt the Municipality is a non-Regulation Municipality and the Rev. Court has to hear the appeal.

In this present case it is not quite clear that the D.C. proposes to levy a fine and to ask for the payment of the Value of the Site. His order No. 1269 of 16.3.1907 refers to the fine and Value while his order No. 1279 of 16.4.1907 would mean that if the Mohomedans executed the Muchalika the D.C. would not order over the encroached land to them free.

The essentials of the matter seem to be the crux of the matter. [illegible] the difference it cannot be regarded as the consideration by the Rev. Court for the Musalmans being in possession of the land.

Even
If the Rev. Court should decide that there is no encroachment it will not follow that the Municipality would not execute a Muchalika - the officers, may agitate about the matter -

[illegible]

Note — Contn. sheet.

GPB—50 000— 12 8 10

16

Serial No.

If he thinks that there is encroachment the Com. must say that the Merchantile should be evicted. This cannot be insisted upon until fact it is found that the gateway is near. That apparently lays out the Rev. Com's jurisdiction.

Then there a decision by the D.S. but either way will not dispose of the matter finally.

After all a merchantile does not appear to be necessary if the gateway is near for Sunday that pro cession cannot be obstructed or cannot it be closed leaving the Rev. Com's to decide about the encroachment.

Abdulmajid

29/12/1960

1121

I think the order drafted may be issued. It disposes of the ~~Com~~ matter ~~troversy~~ for the present though may possibly come up again in another form.

29/12/60

Issue

29/12/1960

Issue ... Enquiry ... also.

29/12/1960

Submitted with an endt. Issue s/letter ... in this ... form ... also.

29.12.1960

29.12.10 29.12.10

NOTE— Contn. sheet.

GPB—50,000— 12 6 10

12]
and Revenue Secretariat.

File No. 654 of 1908

Serial No.

12 To

The Rev Commr.
" Dy Commr. Hassan date
No 1776-7 d 17. 1. 09
Rejects the appeal
with certain observations
To. The Partes
No 1778 d 17. 1. 09
Intimates the above
To. Venkatakrishnasastry &
others No 1779 d 17. 1. 09
Forwards copy of the
above

NOTE.—Contn. sheet.

GPB—50,000—12 8 10

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 1478.

Proc. F 654-8-2

3th. May 1909
7th. May 1909

Petition from the Mahomedans of ~~Ashalgudda~~ Arkalgud town, to the Muzrai Secretary, requesting the postponement of the execution of the order of the Dy Commissioner, Hassan to demolish the gate and the approach buildings of the mosque, until it be inspected by the Muzrai ~~Dy~~ permit and that the Dy Commissioner may be ~~asked~~ instructed to the effect.

Submitted for ~~order~~ orders.

[illegible] 15/5/09

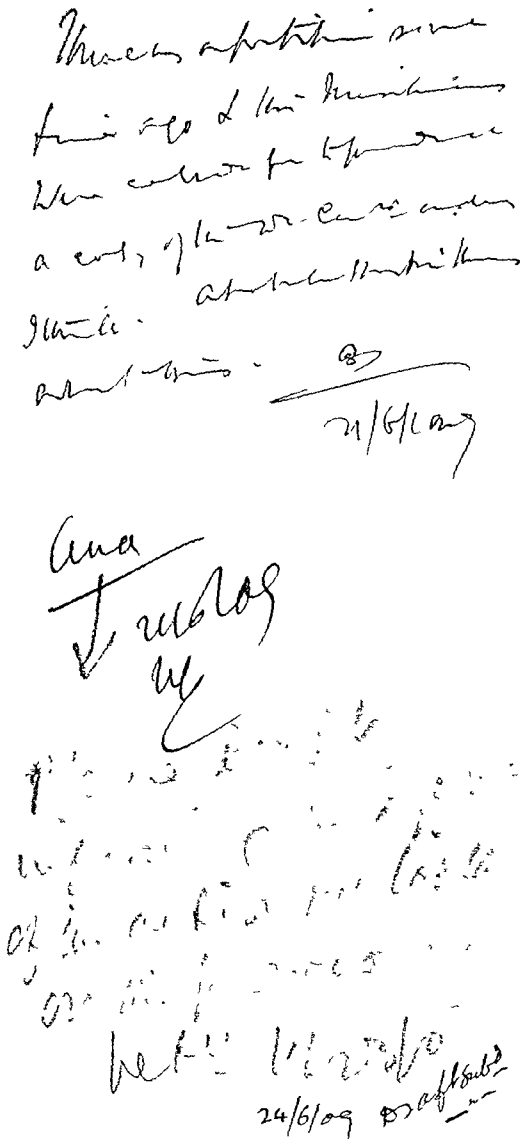
[illegible] 20.5.1909

No. 2442
654-8-2

[illegible] 21/5/09

[illegible]

Return the original letters [illegible] [illegible] [illegible]



I W II 4 21 D 1781

Mcy 654-08-3

From

P.R.W. Wetherall, Esquire,

Deputy Commissioner,

Hassan District.

To Balasundaramaiyer, Esquire

~~K.S. Chandrasekharaiyer~~, Esquire

Offg. Secretary to the Govt. of Mysore, Gen. and Rev. dept. Bangalore.

Dated 16th June 1909.

Despatched

Received

General No. 502

No. 5

Enclosure No.

SUBJECT.

Requesting to be informed if any appeal is preferred by the Muhammadans of Arkalgud re-unauthorised construction of a side way of the Jumma Masjid at Arkalgud Ka--ka.

Refer ears and 21/6/09

WW

Deputy Co. L. Revenue Officer,

District.

Date , 18th June .

C. S. Balasundaramiyer, Esqr.

Offg.

(Western Branch)

I have the honour to request that you will be so good as to inform me whether any appeal against my orders passed on 16th April 1907 has been preferred to you by the Mahammadans of Arkalgud in the matter of their unauthorised construction of certain buildings and the opening of a gateway of the Jumma Masjid facing the main street in Arkalgud town and if so to favour me with a reply as to whether the appeal has been disposed of or is still pending.

The information is required for disposal of a Takarar case of Arkalgud Kasaba placed before me as Huzoor Jamabandy officer.

I have the honour to be,

Sir,

Your most obedient servant

Narasinga Rau Suryaya

For Deputy Commissioner

Muz. 1]

190

From

To The Dy Commissioner
Hassan District

Dated
Despatched 29th June 1909
Received
General No.
No.
Enclosure No.

His no 502 D/18th June 1909 enquiring whether any appeal has been preferred by the Mokomodans of Arkalgud re unauthorized construction of a gateway of the Jumma Masjid at Arkalgud Kasaba

" "

with reference to the above, has the honor to state that certain [illegible]

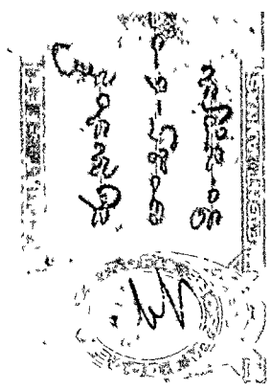
G P L—3 000- 19-9 07

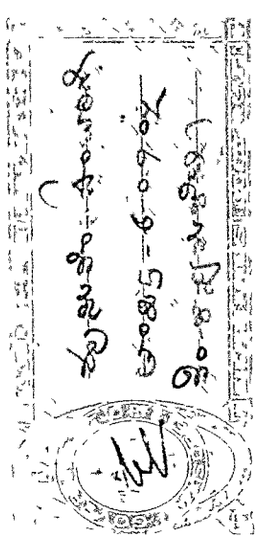
~~The~~ place petitioned this Office requesting the postponement of the execution of the Dy Comr's order to demolish the gate and the approach buildings of the masjid until the Mukrai Superintendent inspected it; and that as the Petition was not properly stamped and was not accompanied by the order appealed against, it was returned to them.

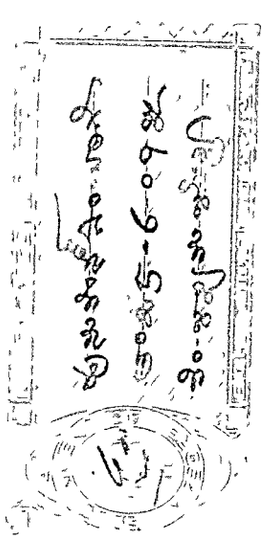
BO

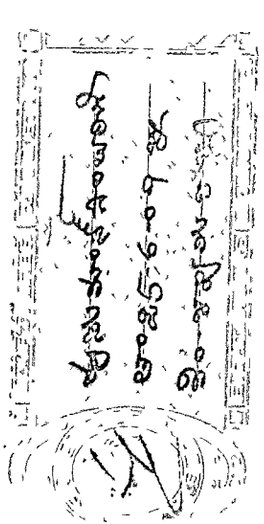
16/6/1949

16/6/1949









Arkalgood
9/24 6.09.

D 1911

Mercy 654-08-45.

To

The Huzarey Commissioner of Mysore,

Bangalore.

Most honored Sir,

We, the Mohamedans of Arkalgood town most humbly and respectfully beg to bring the following a few lines to your honor's kind Consideration and favourable orders —

The Mosque and approach buildings & gate. The Mosque have been visited by honour some 4 yea back While on your honour's tour in this part of Arkalgud. Now the Deputy Commissioner of this District has issued a notice that the approach buildings & gate are to be blocked up. as the sa have been reported by the Amildar of Arkalg The Mosque & the approach buildings & gate belonged to the Huzarey Department and the have been ordered now to demolish by the a Commissioner of Hassan District, hence we your honor that the Deputy Comm. of Hassan may be kindly issued instructions not to proc with his present arrangement till your honour inspect the Mosque & approach buildings Arkalgud and pass orders on the present arra -ments of demolishing the approach bu & gate of the Mosque &c &c.,

1571 - 1908
6540

According to the Government No 214 Judl
we have attached a true Copy of the
Deputy Commissioner of Hassan Dist

For which act of kindness we whole as in
bound pray ever rest ever for your honour's long life
and prosperity.

We beg to remain,
most honoured Sir,
Mohamedans of Arkalgud Town

ಅರಕಲಗೂಡು ಪಟ್ಟಣದ
ಸಕಲ ಮಹಮ್ಮದೀಯರ
ಪರವಾಗಿ
ಅರ್ಜಿದಾರರು
ಅಬ್ದುಲ್ ಖಾದರ್

ನಂ 78/ಜುಡಿ 654-08-5 ದಿನಾಂಕ 8 ಜೂನ್ 1908

ಮೇಲ್ಕಂಡ ಅರ್ಜಿಯ ಸಂಬಂಧದಲ್ಲಿ ಅರಕಲಗೂಡು
ಪಟ್ಟಣದ ಸಕಲ ಮಹಮ್ಮದೀಯರ ಪರವಾಗಿ ಅರ್ಜಿದಾರರು
ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯ ಪ್ರತಿಯನ್ನು ಲಗತ್ತಿಸಿ ಕಳುಹಿಸಿದೆ.

Bangalore
June 1908

By order,
[illegible]
for Secretary

Dated 19.9.907

1.10.907

No 276

6545-04-6

No. 809

475 Urdu

Muz.4] Muz. 7. 657-08 7

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

No. D 276

The accompanying Appeal Petition D 1861,

No. dated 28.6.09 and 2.8.09 received at this office from Abdul Rasool and 6 other Mahomedan residents of Arkalgud against the By Commr's. order directing the demolition of the gate and the approach buildings of the masjid at the place,

is forwarded, together with its one enclosure, to the Deputy Commissioner of the Hassan District for submission of the entire records connected with the case together with a detailed report thereon.

By Order,

D64) 16/8/1909

for Secretary,
Muzrai Department.

BANGALORE,
16-8-1909

GPB—800—20 9 07

16/8/1909

No. 476 dt 16.8.07

Mmcg-7.654-08-7

Sub:

Ref:

Enclosure:

Encl:

Encl:

Encl

Inam

On 19th March 1900, the Hindu inhabitants of Ar. Kalgud town presented a petition to the Deputy Commissioner stating that the Mahomedans of the place were long used to go into and come out of their Jumma Masjid through the door way to the east of it, which they blocked up by constructing a building and subsequently opened a small wicket-gate (B 55 A) with stones fixed on the northern side of the Masjid and began to obstruct, contrary to manool, the Hindu procession accompanied by music passing on the highroad that side When they formerly petitioned the Deputy Commissioner in the matter, Mr. T Ananda Rao, then Deputy Commissioner sent reserve Police from Hassan and ordered the passing of the procession as per "manool"; and since then, the processions with music have been passing as per manool But the Mahomedans were contemplating the construction of a high arch gateway contrary to manool in

lieu

two of the small wicket gates and as this action of theirs would eventually result in a lot of trouble, they prayed for orders prohibiting the Mahomedans from putting up the big gateway

2 Thereupon on 20th March 1900 the Deputy Commissioner, Mr D Devaraj Urs, sent this petition to the Amildar for immediate enquiry and detailed report, and added that pending further orders in the matter the work contemplated should be stopped. This order was communicated to the Mahomedans on 24th March 1900 through the Arkalgud Police Inspector who was asked by the Amildar to see that no gateway was opened contrary to mamool 3. On 11th May 1900 a large number of Hindus made a statement before the Amildar that some 20 years back the Mahomedans constructed a building on the eastern portion of the Masjid where lay their mamool entrance to the Masjid, and used it as Hindustani School, thus shutting that pathway with the object of opening a new passage to the north, and that

latterly

they Constructed a mud wall
in front of the hedge there and had
a small wicket gate of rough stones
put up. The Mahomedans they then pulled down the
mud wall and the small rough stone
passage, and were intending to have a
pucka arch gate of brick in Chunnam,
having built a house by encroaching
upon Government land in spite of
Taluk orders The Mahomedans obstructed
the passing of the Hindu procession
in 1886 when the Deputy Commissioner
ordered the passing of the same by
sending Reserve Police from Hassan,
that during the time of Amildar,
Mr Venkata Rangaengar, and the
Deputy Commissioner, Col. Hill, the
Mahomedans were punished for obstruct-
ing the procession. They stated in
Conclusion that as processions followed
by music Constantly have to pass on
the public road to the North of the
Mosque they feared obstruction by the
Mahomedans and Consequent breach
of the peace, which would be the necessary
Consequence —

Consequence of the proposed new gateway this side (north) Contrary to "Manool" and they therefore prayed that the former gateway must be left as it originally was, and produced some Copies of documents in support of their Statement, amongst them being (1) notice to Musselmans dated 27th October 1872, from the Taluk regarding their encroachment on Government land by putting up a Compound wall.
(2) Copy of notice to the Mahomedans dated 4th July 1873 that they should not interfere with the rights of others to pass on the public way etc, issued in accordance with Deputy Commissioner's order No 4682 of 4th June 1873.

4- On 13th September 1900, the Mussalmans made a Statement before the Amildar that they had heard there was no pathway to the East of the Mosque (as alleged by the Hindus), that it was nearly 30 or 40 years since the Hindu-stani School was built, that for some time the building was used as a Muzafar-khana, and now for the past 15 or 20 years

as a Hindu Sanskrit School

There was no pathway to the east. On the north of the Muzzid there was the Compound wall for the past nearly 60 or 70 years and it was being repaired whenever it fell down. There was a small passage between two stones fixed which was used as entrance to the Muzzid during the past 30 or 40 years Prior to the existence of this passage, there had been a door-way and both were in existence, but the door frames, having been taken away by White ants, fell down about 7 or 8 months ago It is true that they had pulled down the Compound wall to the north; They did so with the Object of Constructing two Shops from the rent of which they could meet the lighting and other charges of the Muzzid. They did not know they had to take out a license for this, They did not encroach upon Venkataramana Shetty's site. They did not go out of their old wall limits. As according to their "Shastras" they had to take their Corpse to the Muzzid for prayer before carrying it for burial, and as the existing passage

was

was too narrow they wanted to have a pucka gate. Before they received the notice that the door way should not be constructed pending further orders they had finished the Construction of the houses on both sides of the gateway. They constructed the houses not with ~~the~~ any object of giving any trouble afterwards as alleged by the petitioners (Hindus) but with the object mentioned above, and they were not aware of the alleged incidents in connection with the passing of the processes in the year 1886-87. They further stated that they stopped the work on receipt of notice that they should not put up the door way pending final orders. As the Khaji was absent from the station they would give their statement on other points after his return

5. On 16th November 1901 a large number of Hindu residents of the place presented a petition to the Amildar stating that the Mahomedans who had not put up the door way till then as per ~~said~~ orders, suddenly at 11 P.M. on the previous night put up the same, and as this action of theirs would

would result in a lot of future trouble, they prayed for the removal of the same.

6. On 18th January 1902, the Hindu inhabitants repeated their petition to the Amildar bringing to his notice that in defiance of orders of the Deputy Commissioner and the Taluk authorities the Mussalmans who constructed buildings encroaching upon Government land, were putting up the door to the new gateway and stated they feared serious consequences. This petition was sent to the Taluk Police Jamedar for report. The Jamedar on 10th January 1902 reported that before he proceeded to the spot the Mahomedans had fixed the doorway, and they said that no orders were necessary for having a doorway to their Mazid, that he (Jamedar) had heard there were once serious quarrels between the Hindus and Mahomedans, which were stopped by the arrival of the Police (presumably Reserve Police), and that if the action of the Mahomedans which was contrary to

Carnival were to be allowed there might be a serious breach of the peace thereafter.

7. On 21st April 1902 the Amildar in reply to the Deputy Commissioner's order directing enquiry and report, stated as follows:-

"The record of enquiry of both parties is submitted. It was not possible to Complete the enquiry of the Mahomedans as the latter through Sent for did not turn up as promised by them, ~~and through Sent for.~~ Although these deposed that they would stop further work as per Huzur orders yet they proceeded with the work of putting up the door way on the night of the 15th November 1901. This showed that these people were not of the sort who would obey the authorities. Therefore solicited disposal of the matter after personal inspection."

8. This report was returned to the Taluk for submission through the Assistant Commissioner incharge of the Taluk together with a sketch of the spot in question.

9. On 13th October 1902 the Amildar in his detailed report to the Assistant

Commissioner with a sketch stated as follows:-

In this sketch, D was the former passage to the mosque which was blocked up by the construction of the Hindustani School. A B & C and E was the old Compound wall which has now been extended by the encroachment of Government land marked Nos 1. 2 and 3.

Numbers 1 and 3 are the two houses newly built ~~up~~ without license. Between B and C was the old wicket gate which has been removed, and in a place lower down to the north in No 2, the new brg gateway has been built.

The two houses were newly built ~~up~~ in 1900, in spite of the opposition of the Hindus.

Numbers 1, 2 and 3 are Government land Composed partly of the bit of Sira Venkataramana Setty's land which he purchased as in public auction (portion left after giving a piece thereof Karika Parameswari temple) and who died without heirs, and partly-

Circar lands as per Vacant site list prepared in 1895-96, and duly certified by the Jamabandy officer.

When the houses were being built the Shanbhogue made a report to the Amildar that the Mahomedans were building upon Government land, and although a notice issued by the Amildar was served upon the Mahomedans that they should not construct houses without license as per village Sanitation Rules, they did not mind the orders and finished the work. Again on the petition of the Hindus already referred to, the Mahomedans were directed not to put up the new Compound wall and the new gateway pending further orders of Huzur and although they deposed to the effect that they would stop further work, yet at 11 PM on the 15th November 1901 they put up the gateway and the door, that it is seen from the records that in 1872-73 when the Mahomedans had attempted to ~~build~~ a new Compound wall to the north of the Mosque by encroaching upon Government land, they were given notice not to go on with the work and their attempt proved a failure, that in 1886-7 and subsequently the

the Mahomedans obstructed the passing of the Hindu procession and they were punished for this.

In these circumstances the Amildar solicited further orders while submitting the Vacant site list of 1895-96 and the Copy of the Varajpatti regarding the sale of Government land to Sira Venkata-Ramanashetty in 1863.

10. Meanwhile, in Connection with the disobedience on the part of the Mahomedans of the orders issued, the Superintendent of Police directed — necessary prosecution being launched, but beyond getting the records from the District office for the purpose, nothing further seems to have been done.

11 Finally, the spot was inspected by Mr. B. Ramaswamaiya, Jamebandy Officer, who, in his Yadi No. 976 dated 16th April 1905 to the Deputy Commissioner after narrating the whole circumstances, is of opinion thus --

There are two points for decision in Connection with the Subject Viz

(1) Encroachment upon Sircar land by

two

the Extension of the Compound wall of the Muzjid and newly constructing two houses or shops therein (Vide nos 1 and 3 in the Sketch).

(2) Opening of a new gateway in the north of the Muzjid Contrary to the orders of the Deputy Commissioner which were Communicated to them (Mahomedans) Vide No 2 in the Sketch

The land encroached upon Covers an extent of 138 Square Yards and Comprises the land purchased by Sira Venkata Ramanashetty in public auction and the Vacant site as per list prepared in 1895. The Mahomedans Could not prove that this land was their own although ample time was given to them No doubt in the petition to the Deputy Commissioner dated 19th March 1900 (which is in the enclosed records) of Syed Basasha Hussain, he states that Mr Purnaiya, former Deputy Commissioner, after personal inspection ordered the putting up of a hedge in a line with the Compound hedge of the School, but beyond this mere Statement in the petition no evidence has been adduced.

That

That the houses in question were newly built are amply clear from the Mahazar and the fact that the gateway to the north was newly put up is not only clear from the Taluk Inspector's report No. 1048 dated 24th March 1900, but it could also be inferred from the petition dated 9th April 1900 of Fakir Syed Ahmad Ali Shakhadre to the Deputy Commissioner.

The houses in question, however, do seem to cause any inconvenience to others and as they are in a line with other shops there can be no objection to leave them alone after obtaining the price of the land for 138 Square yards at 8 annas per Square yard Viz Rs 69.

As regards the opening of the new gateway, the Mahomedans have done this in defiance of express orders and against their own statement. The Hindus apprehend breach of the peace as they have to take their processions on the highroad adjoining it and although the last obstruction of the Mahomedans was so far back as 1886, yet it is very necessary that needful

Entrenchalikas should be taken from the Mahomedans binding themselves — that they would not obstruct the passing of the procession accompanied by music. It is only then that the gate way can be allowed to remain in the present place and if this is done there will be an end to the disputes of both the parties, otherwise the Mahomedans must resort to their former passage in the east."

For encroachment upon Government land and for culpable neglect and contempt shown by the Mahomedans for orders of the authorities a fine of Rs 50/- is proposed by the Jamabandy Officer who is also of opinion that after the recovery of the fine and the price of the land from the Mahomedans needful steps may be taken to leave the houses as they are.

12. The Deputy Commissioner passed the following order:—

On perusal of the records and inspection of the spot made on 15th March 1907, it is seen — that the Mussel-mans have unauthorizedly encroached upon Government land and built

shops

Shops thereon. They have also newly opened a gate to the north Contrary to mamool. The Hindus apprehending obstruction by the Mahomedans of their processions in Consequence of the opening of a new gate, have submitted a petition. The Assistant Commissioner Mr B. Ramaswamaiya has opined that the new gate might be allowed to remain on Condition of the Mahomedans executing a Mutchalika binding themselves not to object to or obstruct on any account any — Hindu procession passing in front of — the new gateway. If the Mahomedans were willing to execute a Mutchalika in accordance with the opinion of Mr B. Ramaswamaya, the Amildar should get it duly executed by them, and if they were unwilling to execute it the Amildar should report the fact within three days. The Amildar Mr G Narayana Rao in his report No 115 dated 4th April 1907 stated that the Musalmans refused to execute any Mutchalika unless the Hindus also executed a Counter one stating that they would not unduly prolong the

13-

the Day of their processions before the Muszid.

14. On receipt of the above report, an order was issued that the Contention of the Mahomedans that the Hindus should execute a counter Mutchalica was not acceptable as it was the Musalmans ~~that~~ who had done an unauthorized act in Constructing a new gate to the North of the Muszid and encroaching upon Government land. It was further seen from the records that the Mahomedans had on previous occasions obstructed the Hindu processions. It was therefore incumbent on the Mahomedans to execute the necessary Mutchalika as ordered. The Amildar was therefore ordered to obtain the Mutchalica from the Mahomedans and to report if they should fail to execute the same, so that they may be evicted ~~from~~ of the sites on which the Shops have been built and the gateway opened unauthorised & closed (Vide papers 138 and 139)-

15. The Amildar Mr G Narayan Rao reported again that the Mahomedans refused to execute the Mutchalikas but wanted an endorsement in reply to their

their petition.

16. Mr. K R Srinivasa Iyengar, the then Deputy Commissioner, issued an endorsement to the Mahomedans in terms of the previous orders.

17. The Mahomedans have now preferred an appeal to Government against the above order

M. V. Wetherall

Deputy Commissioner
Hassan District

Encl

D 1611

1909-10

654 08-8

FROM P. C. V. Wetherall Esquire,
Deputy Commissioner,
Hazara District.

To

C. S. Bryson Esquire, I.C.S.,
Offg. Secretary to the Govt. of
N.W.F.P. Civil Secretariat,
Genl. & Rev. Depts. Peshawar.

Dated 15th February 1910

Despatched

Received

General No. 409
No.

Enclosure No. one + V. P.

SUBJECT.

Submitting a report on the petition of Abdul Rasool and others of Akalgud appealing against Deputy Commissioners orders in the matter of their unauthorized construction of the gate and approach buildings of the Musjid at the place.

Refer GA 87
7/2/10
WJ

Deputy Commissioner's office,

Hassan District.

Dated 5th February 1910.

From,

P.R.S.de Thorall Esquire,

Deputy Commissioner,

Hassan District.

To,

C.S.Balasundaram Iyer Esquire, B.A,

Offg. Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments,

BANGALORE.

Sir,

With reference to your Official Memorandum No 1173 dated 16th August 1909 forwarding, for submission of the Connected records together with a report, the petitions received from Abdul Rasool and six other Mahomedan residents of Arkalgud appealing against my order No 1279 dated 16th April 1907 ~~in the matter of the appointment of Amildar of Arkalgud~~, I have the honor to submit herewith a memo explaining fully the facts of the case. The Vernacular papers ending with Arkalgud Amildar's

report No. 5 dated 10th July 1909 together with the enclosures of the official memo: under reply are also herewith submitted.

I have the honor to be

Sir,

Your most obedient Servant.

H W Wellerall

Deputy Commissioner
Hassan District

cnl

Muz. 1]

190

From

To

The Deputy Commr.,
Hassan District

Dated

Despatched 27. 4 (1'0

Received

General No. 2577

~~No.~~ Mur. 654

Enclosure No.

In returning herewith the enclosures received with his letter No. 409 dated 15th Feby. 1910 re the unauthorized construction of the gate and approach buildings of the masjid at Arakalgud, has the ~~regn~~ honor to request that the same may be returned together with the Appeal Petns Nos D 1861 and D 276 dated 28th June and 2nd August 1909, ~~passed by the Deputy~~ from Abdul Rasool & others, forwarded to the Dy Commr under cover of this Office No. 475 dated 6th August 1909

Mur 654-08-7

GPL—3000- 19-9 07

2. The favour of an early compliance is requested.

By order,

S. —
— 76/4/1910
Secretary
by Mitra

D 2083

VIII Misy 1909-10.

6578

R

From P.R.W. Wetherell, Esquire, Dr. no. 7. 654-08 Continued to note

Deputy Commissioner, 6/5/10

To Hassan District.
C.S.Balasundaramiyer, Esq.B.A.
Offg. Secretary to the Govt.
of Mysore, Gen. and Rev. Dept.
Bangalore.

Dated 4th May 1910.

Despatched

Received

General No. 499
No. S

Enclosure None file of records.

Resubmitting the records & the appeal petitions connected with the case of unauthorized construction of the gate & approach buildings of the masjid by the Muhammadans of Arkalgud.

Submitted for confirmation of the Commissioner's proceedings

6/7/10

As desired in your docket

No. 2579 dated 27th April 1910, & Mung. 654-08

have the honour to resubmit herewith the enclosures of your docket under reply, together with the appeal petitions Nos D 1861 and D 276 dated 28th June and 2nd August 1909, respectively, from Ahmed Rasoolsab and others of Arkalgud, re. the unauthorized construction of the gate and approach buildings of the Masjid.

2:—

2:— Arkalgud Amildar's report
No. 1391 dated 18th January 1908,
received from the Revenue
Commissioner with his docket
No. 9846 dated 30-3-10 / 1-4-10 is also
enclosed.

I have the honour to be
Sir
Your most obedient servant

Ramaya Nam Iyengar
for Deputy Commissioner
Hassan District

ಕೋರ್ಟಿಗೆ.

1910 ನೆ ನಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್.

ಪ್ರತಿವಾದಿ ಯಂ ಆಪೊನೆಂಟ್.

vs.

ಮು॥ ರಾ॥ ...ಯವರಿಗೆ

ಬರಿಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖೈರುವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸಲಿಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಯಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮು ನಡಿಸಿ ಹಣ ವಸೂಲುಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿಮೊಬಲಗು, ಶಿಲ್ಕುಮೊಬಲಗು ಸಹಾ ಪಡಿಯಲಿಕ್ಕೂ, ನನಗಾಗಿ ರೀಫಂಡ್ ಆಗತಕ್ಕ ಸ್ಟ್ಯಾಂಪನ್ನು ಪಡಿಯಲಿಕ್ಕೂ ಪಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮುಂಖ್ತ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಪೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು

ರುಜು.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮುಕ್ಷವು ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

Apply to S. Subba Rao Brothers, Chickpet, Bangalore City

ಕೋರ್ಟಿಗೆ.

19 —19 ನೇ ಇನವಿ ನಂಬರು.

ವಾದಿ.

ಪ್ರತಿವಾದಿ.

ಮಾ॥ರಾ॥ ಅವರಿಗೆ.

— ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ.

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾನು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈಸಲ್‌ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ, ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆದುಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ವಾರಸು ಆಗುವ ದಾವಾ ಸಾಮಾನು ಪ್ರೊಸೆಸಸಾಮಾನು ಸಹ ಪಡೆದುಕೊಳ್ಳುವದಕ್ಕೂ, ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತೆಲ ವಜಾ ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗದುಕೊಳ್ಳುವದಕ್ಕೂ, ಸಹ ಈ ಮೂಲಕ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ, ಈವಿಷಯದಲ್ಲಿ ತಾನು ನಡಿಸುವ ಕೆಲಸಗಳೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿ ಇರುವಂತೆ ಒಪ್ಪಲೂ ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇಧ್ದೇನೆ.

ತಾರೀಖು 25·11·10

ರುಜು

ಈ ಮೊಕ್ತಾರ್‌ನಾಮ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿರುವದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿ ಇಧ್ದೇನೆ.

ರುಜು

☞ ಈ ಫಾರಂ ಬೆಂಗಳೂರು ಬಿಟಿ ಚಿಕ್ಕಪೇಟೆ ಪ್ರಾಪ್ತಾಂಪ್ ವೆಂಡರ್ ಯಂ. ನಂಜುಂಡಪ್ಪನಲ್ಲಿ ದೊರೆಯುತ್ತೆ.

S. 28

2 D7

File No. 654 08

Serial No.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

the 19

Date of issue

Signed by

READ—

Petition regd no D 276 Dy 30th July 1909 from Abdul Rasool Muzaluan and certain other residents of Ankalgud appealing against the Hassan Dy Commrs. order directing the demolition of the gate and the approach buildings of the Masjid at the place

Letter no. 499 Dy 6th May 09 from the Dy Commr, Hassan Dy reporting on the above

ORDER THEREON.—NO.

Order thereon—No

over

No. 1776-7 — M 17

Mul 654-08-12 E-1 16

SUBJECT.

GPB—10,000 9-12-09

31/12

The records seem to show that the Mussalmans have encroached on Govt land adjoining their masjids towards the north and built shops there and have also in the encroached portion opened a new gateway leading to the Hassan-Ramanathpur road The Dy Comm^r apprehending that the Mussalmans may obstruct Hindu processions passing along that road and apparently with the view of effecting a settlement satisfactory to all parties has ordered that the Mussalmans might retain possession of the encroached land, on payt of Rs 69/ being its value and a fine of Rs 50/ provided they executed a muchalika to the effect that they would not obstruct Hindu processions passing with music along

G.R S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

that road He has further directed that in the event of the Mussalmans refusing to execute the undertaking they should be evicted from the Govt land on which they had encroached, the shops constructed by them demolished, and the new gateway closed the Mussalmans have appealed to Govt against this order 2) The Municipality of Arkalgud within which the land encroached upon is reported to be situated, not being one to which the Municipal Regulation VII of 1906 has been extended, the question of encroachment has to be decided ~~by~~ in the Revenue Department under the ~~the Rent Court~~ The petition to Govt is therefore dismissed in the Revenue Courts Code Rules. If this is an encroachment, the petrs cannot possibly object to the removal of the gate If the petrs succeed in getting the order

Concerning encroachment
set aside, they may apply
to Govt to take the other
order about the gate
into consideration Otherwise,
they can get no relief
and the Dy. Commr
will enforce his order
in the manner he considers
proper

Sd/ W/12/10

Crs. order
AV(132)
20.12.1910
for offg. Secretary

To the Revl Commr in my Secn
& Dy Commr, Hassan Dist
returning the record

Draft

Revised Draft as per orders

778 dt 17-1-011
654-08-13

Encl file